IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.414 OF 2000

State of Maharashtra .. Applicant

Versus

Kashinath Narhari Bhavar .. Respondent

Mr.S.S.Pednekar, A.P.P. for applicant

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th December 2006.

P.C.

. Request of Mr.Pednekar for adjournment is refused because this revision is pending for the last six years.

2. The State is aggrieved by the fact that the learned Additional Sessions Judge, Nashik allowed the appeal of the original accused partly and while maintaining conviction under section 324 of I.P.C. reduced substantive sentence of imprisonment from one month simple imprisonment and substituted it with fine. Learned Judge has, while maintaining this conviction, has interfered with the sentence by assigning cogent and satisfactory reasons. In para 17 he has recorded that the incident occurred because there was dispute on account of Chairmanship of Society. Accused was occupying and using commercial premises for residence. There is no previous enimity or rivalry and the incident occured suddenly and at the spur of moment. The disputes in a coop.housing society being of the peculiar nature and considering the status of the accused, learned Judge, in my opinion, has rightly interfered with the quantum of sentence. There is no substance in the revision. It is

accordingly dismissed.

3. This Court expresses deep anguish about the approach of the State Government. It is prompt enough to question such acquittals but when it comes to serious crimes which have bearing on the peace and tranquility in the society, acquittals are not questioned for years together. The State would be well advised to show the same promptness in questioning acquittals under serious charges and that too punishable with life imprisonment or death which are affecting lower strata of the society including women. Revision application is dismissed with the hope that this order would compel the State to take expeditious steps to challenge such acquittals. Copy of this order be sent to Principal Secretary, Law and Judiciary and Director of Prosecution, Maharashtra State.

(S.C.Dharmadhikari, J)